

REFERENCE TITLE: photo enforcement; highways; DPS

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2655

Introduced by
Representatives Reagan, Barto: Kavanagh

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-629; AMENDING SECTIONS 41-1752, 41-2401 AND 41-2415, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 3, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-629, to read:

28-629. Photo enforcement system: state or interstate system highways: monies to state treasurer: definitions

6 A. EXCEPT FOR MONIES COLLECTED BY THE COURT PURSUANT TO TITLE 12,
7 CHAPTER 1, ARTICLE 1 AND SECTION 16-954, THE TREASURER OF A LOCAL AUTHORITY
8 THAT IS AUTHORIZED BY THIS STATE TO USE A PHOTO ENFORCEMENT SYSTEM TO
9 IDENTIFY VIOLATORS OF ARTICLES 3 AND 6 OF THIS CHAPTER ON A STATE HIGHWAY OR
10 INTERSTATE SYSTEM HIGHWAY IN THIS STATE SHALL TRANSMIT ANY PROFITS THE LOCAL
11 AUTHORITY RECEIVES AS A RESULT OF THE VIOLATIONS TO THE STATE TREASURER FOR
12 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, AS FOLLOWS:

13 1. ONE-THIRD IN THE ARIZONA HIGHWAY PATROL FUND ESTABLISHED BY SECTION
14 41-1752.

15 2. ONE-THIRD IN THE CRIMINAL JUSTICE ENHANCEMENT FUND ESTABLISHED BY
16 SECTION 41-2401.

17 3. ONE-THIRD IN THE CRIME LAB ASSESSMENT FUND ESTABLISHED BY SECTION
18 41-2415.

B. FOR THE PURPOSES OF THIS SECTION:

20 1. "PHOTO ENFORCEMENT SYSTEM" MEANS A DEVICE SUBSTANTIALLY CONSISTING
21 OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT
22 PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR
23 OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF
24 IDENTIFYING VIOLATORS OF ARTICLES 3 AND 6 OF THIS CHAPTER.

25 2. "PROFITS" MEANS ANY MONIES IN EXCESS OF THE LOCAL AUTHORITY'S COST
26 TO ADMINISTER THE PHOTO ENFORCEMENT SYSTEM AND ONLY INCLUDES CIVIL PENALTIES
27 AND FINES AND DOES NOT INCLUDE SURCHARGES.

28 Sec. 2. Section 41-1752, Arizona Revised Statutes, is amended to read:
29 ~~41-1752. Arizona highway patrol fund~~

41-1752. Arizona highway patrol fund

30 A. An Arizona highway patrol fund is established.

31 B. The Arizona highway patrol fund consists of:

32 1. Monies distributed to the fund from the Arizona highway user
33 revenue fund by the legislature subject to section 28-6537.

34 2. Miscellaneous service fees.

35 3. Rewards.

36 4. Awards.

37 5. Insurance recoveries.

38 6. Receipts from the sale or disposal of any property held by the
39 Arizona highway patrol or purchased with Arizona highway patrol monies.

40 7. Monies received from the public safety personnel retirement system
41 pursuant to section 20-224.01.

8. MONIES RECEIVED PURSUANT TO SECTION 28-629.

43 C. Subject to legislative appropriation, the patrol superintendent
44 shall administer and spend monies in the Arizona highway patrol fund in
45 conformity with the laws governing state financial operations.

1 D. Monies in the Arizona highway patrol fund:
2 1. Do not revert to the state general fund or Arizona highway user
3 revenue fund.

4 2. Are exempt from the provisions of section 35-190 relating to
5 lapsing of appropriations.

6 E. Subject to legislative appropriation, monies in the Arizona highway
7 patrol fund shall be used to administer the provisions of law relating to the
8 highway patrol and the Arizona highway patrol reserve and all matters
9 pertaining to those laws, except that:

10 1. Monies received pursuant to subsection B, paragraph 7 of this
11 section shall be used for the department of public safety.

12 2. **MONIES RECEIVED PURSUANT TO SUBSECTION B, PARAGRAPH 8 OF THIS
13 SECTION SHALL BE USED FOR EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY.**

14 Sec. 3. Section 41-2401, Arizona Revised Statutes, is amended to read:

15 **41-2401. Criminal justice enhancement fund**

16 A. The criminal justice enhancement fund is established consisting of
17 monies collected pursuant to **section SECTIONS** 12-116.01 AND 28-629 and monies
18 available from any other source. The state treasurer shall administer the
19 fund.

20 B. On or before November 1 of each year, each department, agency or
21 office that receives monies pursuant to this section shall provide to the
22 Arizona criminal justice commission a report for the preceding fiscal year.
23 The report shall be in a form prescribed by the Arizona criminal justice
24 commission and shall be reviewed by the director of the joint legislative
25 budget committee. The report shall set forth the sources of all monies and
26 all expenditures. The report shall not include any identifying information
27 about specific investigations.

28 C. On or before December 1 of each year, the Arizona criminal justice
29 commission shall compile all reports into a single comprehensive report and
30 shall submit a copy of the comprehensive report to the governor, the
31 president of the senate, the speaker of the house of representatives and the
32 director of the joint legislative budget committee.

33 D. On the first day of each month, the state treasurer shall
34 distribute or deposit:

35 1. 6.46 per cent in the Arizona automated fingerprint identification
36 system fund established by section 41-2414.

37 2. 1.61 per cent to the department of juvenile corrections for the
38 treatment and rehabilitation of **youth YOUTHS** who have committed drug-related
39 offenses.

40 3. 16.64 per cent in the peace officers' training fund established by
41 section 41-1825.

42 4. 3.03 per cent in the prosecuting attorneys' advisory council
43 training fund established by section 41-1830.03.

44 5. 9.35 per cent to the supreme court for the purpose of reducing
45 juvenile crime.

1 6. 8.56 per cent to the department of public safety. Fifteen per cent
2 of the monies shall be allocated for deposit in the Arizona deoxyribonucleic
3 acid identification system fund established by section 41-2419. Eighty-five
4 per cent of the monies shall be allocated to state and local law enforcement
5 authorities for the following purposes:

6 (a) To enhance projects that are designed to prevent residential and
7 commercial burglaries, to control street crime, including the activities of
8 criminal street gangs, and to locate missing children.

9 (b) To provide support to the Arizona automated fingerprint
10 identification system.

11 (c) Operational costs of the criminal justice information system.

12 7. 9.35 per cent to the department of law for allocation to county
13 attorneys for the purpose of enhancing prosecutorial efforts.

14 8. 6.02 per cent to the supreme court for the purpose of enhancing the
15 ability of the courts to process criminal and delinquency cases, orders of
16 protection, injunctions against harassment and any proceeding relating to
17 domestic violence matters, for auditing and investigating persons or entities
18 licensed or certified by the supreme court and for processing judicial
19 discipline cases. Notwithstanding section 12-143, subsection A, the salary
20 of superior court judges pro tempore who are appointed for the purposes
21 provided in this paragraph shall, and the salary of other superior court
22 judges pro tempore who are appointed pursuant to section 12-141 for the
23 purposes provided in this paragraph may, be paid in full by the monies
24 received pursuant to this paragraph.

25 9. 11.70 per cent to the state department of corrections for
26 allocation to county sheriffs for the purpose of enhancing county jail
27 facilities and operations, including county jails under the jurisdiction of
28 county jail districts.

29 10. 1.57 per cent to the Arizona criminal justice commission.

30 11. 9.00 per cent to the state general fund.

31 12. 2.30 per cent in the crime laboratory assessment fund established
32 by section 41-2415.

33 13. 7.68 per cent in the victims' rights fund established by section
34 41-191.08.

35 14. 4.60 per cent in the victim compensation and assistance fund
36 established by section 41-2407.

37 15. 2.13 per cent to the supreme court for the purpose of providing
38 drug treatment services to adult probationers through the community
39 punishment program established in title 12, chapter 2, article 11.

40 E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9,
41 11, 12, 13 and 14 of this section constitute a continuing appropriation.
42 Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15
43 of this section are subject to legislative appropriation.

44 F. The portion of the eighty-five per cent of the monies for direct
45 operating expenses of the department of public safety in subsection D,

1 paragraph 6 of this section is subject to legislative appropriation. The
2 remainder of the monies in subsection D, paragraph 6 of this section
3 including the portion of the eighty-five per cent for local law enforcement
4 is continuously appropriated.

5 G. The allocation of monies pursuant to subsection D, paragraphs 6, 7,
6 8 and 9 of this section shall be made in accordance with rules adopted by the
7 Arizona criminal justice commission pursuant to section 41-2405.

8 Sec. 4. Section 41-2415, Arizona Revised Statutes, is amended to read:

9 **41-2415. Crime laboratory assessment fund; definition**

10 A. The crime laboratory assessment fund is established. The crime
11 laboratory assessment fund shall consist of monies collected pursuant to
12 section 12-116.01 and distributed pursuant to section 41-2401, subsection D,
13 paragraph 12 AND MONIES RECEIVED PURSUANT TO SECTION 28-629. The department
14 of public safety shall administer the fund.

15 B. Monies in the fund are subject to appropriation by the legislature
16 for the following purposes:

17 1. Providing enhanced crime laboratory services.

18 2. Purchasing and maintaining scientific equipment for crime
19 laboratory use.

20 3. Educating and training forensic scientists regularly employed in a
21 crime laboratory.

22 C. The department of public safety on a quarterly basis shall allocate
23 and distribute the monies in the fund to political subdivisions that operate
24 crime laboratories. The department shall distribute the monies according to
25 the following schedule:

26 1. Twenty-two per cent to the Phoenix police department.

27 2. Twelve per cent to the Tucson police department.

28 3. Seven per cent to the Mesa police department.

29 4. Four per cent to the Scottsdale police department.

30 5. Fifty-five per cent to the department of public safety.

31 D. The schedule for the distribution of monies pursuant to subsection
32 C of this section may be adjusted annually, if appropriate, based on the
33 crime laboratory services provided and the percentage of the state population
34 served by each crime laboratory. The crime laboratory directors of the
35 political subdivisions providing crime laboratory services in this state
36 shall agree on the formula and allocation. The minimum allocation for a
37 political subdivision that provides crime laboratory services is four per
38 cent.

39 E. For purposes of this section, "crime laboratory" means a laboratory
40 which is operated by a political subdivision, which has at least one
41 regularly employed forensic scientist who holds a minimum of a bachelor's
42 degree in a physical or natural science and which is registered as an
43 analytical laboratory with the drug enforcement administration of the United
44 States department of justice for the possession of all scheduled controlled
45 substances.